

civil rights protection & advocacy system for montana

disability **rights** montana  
formerly Montana Advocacy Program

January 16, 2013

Dear Committee Members of the House State Administration Committee:

HB 108 would drastically change current law by: 1) strictly limiting the types of identification that Montanans can use to register to vote and cast a ballot in Montana; and 2) doubling the time one has to be in Montana to be eligible to vote. Now, one can use any current and valid photo identification to vote. This bill only allows the use of a current Montana driver's license or the last four digits of one's social security number AND: 1) a MT state id card; or 2) a tribal id card.

**\* This would be the most restrictive identification requirement in the country.** Currently, Montana's identification requirements are similar or the same as roughly half of the 33 states that passed voter identification requirements after the federal Help America Vote Act of 2002. If this passes, Montana will have the most restrictive ID requirement in the U.S., as this bill does not allow voters to use federally issued ID, which nearly every other ID state does. NCSL at <http://www.ncsl.org/default.aspx?tabid=16602>.

**\* Many people with disabilities do not have a driver's license, state or tribal ID.** Studies show that as many as 11 percent of eligible voters do not have government-issued photo ID. [http://www.brennancenter.org/content/section/category/voter\\_id](http://www.brennancenter.org/content/section/category/voter_id). Although this bill does provide that a state ID would be free to anyone without a driver's license, often the underlying documents required to get a state ID, such as birth certificates, can cost \$20.00 to \$40.00 a piece. This is a lot of money when one's income is \$710/month, the SSI payment for disabled persons.

**\* The bill fails to exempt all people with disabilities in congregate care from the ID requirement.** The bill exempts all persons in long term care facilities from the ID requirement, which helps ease the ill effects of the bill for certain persons with disabilities. However, this includes only those institutions that serve certain seniors and certain persons with intellectual disabilities. See M.C.A. § 50-5-101. This excludes all other persons with disabilities in congregate care who also have little if any access to their identification documents. In a recent DRM survey in a congregate care setting for people with disabilities, 30% did not have photo ID. This was in a community home and this bill would not exempt these residents from the ID requirement.

**\* Doubling the residency requirement to 60 days for presidential elections would violate the federal Voting Rights Act**, as amended in 1970, which caps this requirement at 30 days or less. 42 U.S.C. 1973aa-1(d); *See also Dunn v. Blumstein*, 405 U.S. 330 (1972)(striking down excessive residency requirements for state and local elections).

We respectfully ask that you reject this bill.

Beth Brenneman, Staff Attorney, Disability Rights Montana